

Statement of Sir Andrew Collins for the Infectious Blood Inquiry

Name: Andrew David Collins

Address:

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London

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Date of Birth:

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1942.

Professional Qualifications: -

Barrister, Recorder and High Court Judge

Introduction

I must make it clear that when I wrote to Sir Brian when the Inquiry was announced, I had no recollection of any of the details of the litigation in which I was involved some 30 years ago. All that I could recall was that I had had a meeting with Kenneth Clarke, ~~then~~ ^{now} the Secretary of State for Health, and that the claims had been settled. I am afraid my memory played tricks because I assumed that I must have

believe that its claims would succeed. I may have been influenced by some of the published material which has shown that Factor 8 was derived from sources in the USA which were contaminated and that the existence of such contamination should have been identified.

Now that I have seen the material enclosed to me, I have a better picture of the circumstances of the litigation. However, as I have said, I cannot now recall any details beyond those contained in the material which I think really speaks for itself. I would certainly have been in breach of my duties as counsel if I had provided advice with which I did not wholly agree. If I had had any doubts or qualifications, ^{Ag. I would} I ~~would~~ have identified them.

It follows, I am afraid, that I am unable to answer most of the detailed questions which have been asked of me.

I think the simplest way to deal with the matters raised is to answer each numbered

Paragraph so that this statement should be read with the letter of 25 May 2021.

3. None

4. None so far as I can recall.

5. ~~Act~~ I cannot recall whether I was instructed before or after the litigation had commenced. The Treasury Solicitor will no doubt know.

6. The Treasury Solicitor.

7. Obviously a single instruction.

8. It seems Jayant Desai was the Treasury Solicitor's representative with whom I dealt.

9. I had been a member of the first Treasury Counsel list and had experience of personal injury litigation. The material referred to in Q 9 does not assist me to know why I was chosen.

10. No knowledge.

11. Mr Spencer was a personal injury expert and Mr Penwick I knew (he had been a pupil

12. (in chambers) as a highly competent at lawyer.
I do not know why they were chosen.

12 and 13. No recollection.

14. } The documents speak for themselves.
15. }
16. }

17. Any signatures ^{to} identified as mine will
indeed have been mine.

18. Naturally any written advice which I signed
contained my genuine views.

19. It was of course my view at the time. I
cannot now recall what information I had.

20. No explanation is needed since the
answers are obvious.

21. The minutes speak for themselves and led
in due course to the litigation culminating in
the Court of Appeal decision of 20/9/90.

22. I cannot add to the documentation.

23. a. No

b. No

24. I am sure I would have agreed with Mr PL Wick
unless there is some documentation recording
any doubts.

26. and 26. No recollection

27. John Laws was the Treasury Devil and it was important that any approval to DII should be consistent. I was unaware of any destruction of documentation so far as I am aware.

28. No recollection

29. The note speaks for itself.

30. I cannot pretend that my memory is necessarily correct but I think that I was invited as Ogball J had demanded the presence of Sirks which was a great inconvenience since I was engaged in litigation in Liverpool. While Ogball J's comments were unnecessary since my view with ^{the} ~~the~~ court mirrored his, they perhaps emphasised the risk that even if the law was favourable to the defendants a judge could find in the plaintiffs' favour since their circumstances would so obviously appeal to the public.

31. No recollection

32. I have no reason to doubt the accuracy of the note and the absence of any written advice means that it was clearly oral.

33. No recollection

34. It is I would have thought obvious that 'political' meant ^{to} a settlement which would appeal to the public and would avoid expensive litigation.

35 and 36. No recollection.

37. The documentation speaks for itself.

38. I do not doubt the accuracy of the note.

39. No recollection

40. I do not recall any such meeting.

41 and 42. No recollection: the documentation speaks for itself.

43. No recollection.

44. I cannot recall any detail.

45. My note speaks for itself.

46. On the assumption that the meeting is the one I recall having had, I am afraid I cannot now recall ~~how~~ ^{at} how it arose or what ~~was~~ ^{was} said in it. Suffice it to say that it led to the eventual compromise.

47. I am surprised at the question. Of course the advice reflected my views.

48. I only had one meeting with the Secretary of State but I cannot recall any details.

49. I would have made my views clear if they did not agree with Mr. Schwab's.

50. I do not recall any dealings with Mr. Waldgrave.

51. I must have been in favour.

52. Any disagreement would surely be recorded somewhere.

53. I have no recollection of who was present or what was said.

54. The documents speak for themselves.

8.

55. Counsel had indicated the risk the existence of which was obvious.

56. No recollection. I would surely have said if ^{my} I had disagreed with Mr French.

57. None

58 and 59. No recollection

60. None that I can recall.

61. No recollection

62. I am afraid those questions are wholly unhelpful.

63. Of course the clients would have approved of what I did and I have no reason to doubt the accuracy of the notes.

64 and 65. None so far as I can recall.

66. No regrets or criticisms.

67. No recollection but I suspect ^{it} ~~was~~ no relevant role.

68. No knowledge

69. See introduction above.

9.

I am sorry if I have seemed somewhat irritated by the large number of matters referred for me to deal with, but my memory of detail is virtually nil and the documentation does speak for itself.

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